



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 15-076

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated December 2014.]

2. Form, Style and Placement in Administrative Code

a. The provision in s. Pod 1.02 (9) which states that a licensee must use the reinstatement process in order to renew a license under certain circumstances is substantive in nature and therefore should not be included as part of the definition. [s. 1.01 (7) (b), Manual.]

b. In s. Pod 4.03 (2) (b), the phrase “Except as provided in s. Pod 4.04,” should be inserted before the newly added sentence, to account for the cross-reference to s. Pod 4.03 (2) (b) that is contained in the first subunit of s. Pod 4.04.

c. The numbering of the subunits in s. Pod 4.04 do not conform to proper drafting format and should be revised. [s. 1.03 (1) (Example) and (2), Manual.]

d. The introductory material in s. Pod 4.04, read in combination with the third subunit of that section, states that a licensee may apply to have a license reinstated in accordance with evidence of rehabilitation or a change of circumstances warranting reinstatement of the license. It appears that this provision should be rewritten to clarify that an individual may apply for reinstatement and must provide certain information to the board, for the board to then make the determination as to whether the information provided is sufficient to warrant reinstatement.

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. In the rule summary’s deadline to submit comments, either the month or year for the deadline should be corrected.

b. The rule should provide an explanation for how the board will determine whether an applicant has provided sufficient evidence of rehabilitation or change in circumstances to warrant reinstatement of a license. The rule should also provide a process by which an applicant may appeal a determination by the board that the applicant has not provided sufficient evidence to warrant reinstatement.

c. The introductory material in s. Pod 4.04 refers to a person whose license has been surrendered or revoked as a “licensee”. This is in conflict with s. Pod 1.02 (4), which defines a “licensee” as “any person validly possessing any license granted and issued to that person by the board”. The board should consider revising the terminology used in s. Pod 4.04. For example, the board could consider creating definitions for phrases such as a “lapsed licensee”, “disciplined licensee”, or “former licensee”.

d. Also, in the introductory material in s. Pod 4.04, the phrase “may apply to have their license reinstated in accordance with all of the following:” should be changed to “may apply to have a license reinstated if the applicant provides all of the following:”.

e. There is an inherent contradiction in the rule that should be corrected. Specifically, the introductory material in s. Pod 4.04, when read along with the second subunit of that section, states that a licensee with **unmet** disciplinary requirements may apply to have a license reinstated if the applicant provides evidence of **completion** of disciplinary requirements.

f. In s. Pod 8.01 (2), the word “define” should be changed to “set forth”.

g. In s. Pod 8.04, the phrase “in keeping with” should be changed to “as required under”.